

**STATUS OF WOMEN
IN THE
EARLIER MIZO SOCIETY**

By

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WOMAN AND HER STATUS IN THE EARLIER MIZO SOCIETY

INTRODUCTION :

Emancipation of womenfolk in any society has engaged attention of social leaders and reformers all through the ages. It is however a fact that only in particular periods and in particular phases of a society's history appreciable momentum has gathered round the problem and found expression in concrete manifestations. Thus we may speak of such legislations and peoples concerted efforts as the stoppage of sati pratha, child marriage, etc. or legalisations of widow remarriage, and women's share in the property of ancestors by inheritance etc. But the fact remains that society's stability can hardly be sustained without man and women playing complementary roles. Whenever there has been any disharmony in this important aspect of a society's development, in-built forces have somehow geared up enthusiastic attention and efforts of the enlightened section of the society so as to restore the much needed balance for its vitality. While this may be manifestly observed in the more advanced societies, the inner mechanism for the establishment of harmony even in a primitive society like that of a tribal group is discernible on close analysis of the customs and practices amongst the members of such a society. It is true that efforts to bring about a salutary change may not have assumed such boisterous and assertive expressions as may be currently seen in 'women's lib' movement or hippyism. But it stands out as a fact that even in a primitive tribal society women has seldom allowed herself to be unfairly and harshly dominated by her male counterpart. Indeed customs and practices in such a society have so shaped them-

selves as to ensure for her a position of dignity in the overall configuration in spite of some apparent contradictions. It may therefore be an interesting study to examine the position of woman in the Mizo society for a worthwhile appraisal of her status therein.

Mizo society, as it existed in the past, was deeply community-based. It is true that the individual and the family enjoyed certain prerogatives but the net balancing force was such that both of these had to submit unquestioningly to the demands of the group life anchored in their social structure. As a result it was seldom that man found it possible to exercise unfettered and autocratic dominance over woman. In fact in spite of the differences in their pursuits and responsibilities, their interdependence and mutual appreciation of each other's position and responsibilities in the society's overall growth and development could hardly ever be made light of by either the man or the woman. This therefore appears to point out that the status of woman in their society was in no way inferior to that of man and she suffered none of those derogatory and discriminatory treatment as may be found in some of the more advanced societies.

HER PLACE IN THE FAMILY :

The birth of a female child in a Mizo family was hailed with the same joy as that of a male one. And in her upbringing too she was not treated differently from a male child. In fact it may not be an exaggeration to say that some parents often felt happier to have a female child than a male one, being lured by the prospects of gaining new support through her marriage. As the female child grew in years she

was meticulously initiated into adult responsibilities of keeping the home. Unlike the male child who, by custom and convention, had to move very early in his life to the 'zawlbuk' discipline, the female child continued to exist in the family constellation. This, by itself, provided a greater psychological reinforcement to the parents in favour of the female child. Besides, her greater closeness to them as also the availability of her help more abundantly and continuously went a long way to establish for herself a secure position in the society's structure. Gaining whatever education she needed in a simple preliterate agriculture based primitive society through living participation in the activities of the family during her childhood she continued her existence under the overall protection of her parents. This, however, seldom prevented her to enjoy the independence of choosing her future partner in life. Indeed she found active support from her parents in making her explorations for this through the freedom of commerce with young men fully tolerated by the parents, so much so that courting of young girls by youngmen assumed the well-established social custom of '*nula rim*' (courting) in the Mizo society. After the day's toil, the youngmen would seek their amusement in going to their sweethearts who in their turn would be awaiting such encounter without any feeling of restraint or inhibition.

HER COURTSHIP AND MARRIAGE :

It was during such evening pursuits that the Mizo boys and girls would try to size up each other to examine whether they could, in the long run, develop such intimacy into matrimonial relationship. In

case the boy felt like seeking the girl in marriage, he would suggest to help her in her daily chores of duties. Thus the boy would offer to escort the girl while bringing firewood or water for her parents' family. If the girl accepted the same they would continue such moving together for quite an appreciable time during which the boy would intensify his courting, making more & more daring advances and trying to find out the threshold of her tolerance. Normally if the girl found him acceptable as a husband she would yield to his advances which might even take the form of premarital sexual relationship. The girl would often keep the door of her house open in the night and wait for her beloved, while the boy would come stealthily and slip into her bed without the knowledge of the parents. However, if the parents got the wind of what was going on between their daughter and her young male friend, they would become more watchful to enable them to find the boy creeping on the *khumpui* (family's bed) in which case they would at once claim that the boy must either marry the girl paying the proper marriage price etc. and undertaking to conform to other requirements of marriage or otherwise pay an approved fine as penalty for transgressing permissible limit of *nula rim*. Indeed this particular phase of *nula rim* was so much a part of their life and custom that proper precaution and suitable restraints were always exercised by the courting young man to enable himself to take a stand against any possible unfair attack. Thus he would take a young boy from the *Zawlbuk* who was known as *puar ak* while going to his sweetheart. The main function of such an intermediary was to stand witness and offer definite evidence as to the limit of their intimacy in case of any dis-

pute between the parents on the one hand and the young lover on the other. It so happened sometimes that parents would bring defamation suit against a young man for falsely alleging to have slept together with their daughter. If the *puar ak* testified that they were actually sleeping together on many occasions which must have naturally been possible with the consent of the girl he would be absolved from the charge of defamation and the girl would not be entitled to any compensation. In the absence of a clear evidence for their sleeping together on many occasions, the charge against the man stood established, resulting in his payment of a fine of Rs. 40 to the girl for defaming her. It may be mentioned here that even though the social mores allowed a very large measure of laxity in regard to premarital sexual relation, a girl who succeeded in retaining her virginity till her marriage was held in high esteem and was more sought after than the others.

Nula rim was also in vogue with married men known as *pathlawi*, but in their case of close mixing with the unmarried girls the parents were less suspicious of such closeness as they felt that the *pathlawi* were visiting them rather than their unmarried daughters. The unmarried girls, on the other hand, found it possible on account of their parent's attitude to the married men to be more free and open with them without being shy as in the case of their relationship with the unmarried young men. Indeed they often yielded to the advances of such married young men more quickly than to those of the unmarried ones in view of the more mature ways of practising the art of love by the former. However, a married young man had to be very cautious against being ensnared into a position of paying heavy fines

on his inability to marry a girl who allowed his advances on such assumptions. A detailed description of all these practices has been given here to show how woman in the Mizo society enjoyed a distinctively high status with a lot of freedom for the satisfaction of her natural impulses without being cried down. It may also be noted that she enjoyed a large measure of protection against being seduced into the ignominious position of a prostitute. The society's tolerance and easy acceptance of unmarried mothers as also their issues in the overall social structure bear testimony to the recognition of a place of honour for the womanfolk in their society. However the fact that virginity before marriage was looked upon with great respect goes to establish that sober restraint in the Pre-marital relationship between young men and women during courtship was looked upon as ideal.

What is important to note, however, is that '*nula rim*' in spite of its possible excesses, could seldom degenerate into the lascivious enjoyment of a lusty young man with woman of questionable character, selling her body purely earning money or gaining repressed sexual satisfaction. It was, on the contrary, a socially accepted mechanism which recognised the inherent right of the woman to make independent choice for her life partner. Pary in his excellent monograph describes an actual occurrence in this connection. A young man, in course of his courtship with his sweetheart, was caught by her parents on the family bed. Enraged at such audacity on the part of the young man the father kicked him out of the house much against the normal social custom. On his return to the *sawlbuk*, he narrated the incident of his disgrace at the hands of the girl's

father. The whole of the *zawlbuk* having considered such action as unworthy and out of keeping with the established social mores, moved to the house of the girl's father next day and almost pulled it down, thereby compelling him to migrate to another village. The Chief also did not intervene to stop such joint action against the girl's father, his indifference purporting to support the action taken by the *zawlbuk* inmates.

Any couple deciding to consummate their relationship during courtship would agree to fix up their marriage soon afterwards. The period of courtship, however, could extend in many cases upto a couple of years or more, even though normally marriage would take place much earlier than this. It was for the man to approach formally the girl's parents and settle with them their daughter's price. But the parents would, before carrying on the negotiation, invariably ask their daughter as to whether she was willing to accept the suitor for her husband. In case the proposal was acceptable to her they would announce accordingly and from that date onward they would be deemed to have been betrothed. However, such formal acceptance was not socially binding on the man and woman to actually enter into marriage. What it really meant in terms of social mores was that their intimacy after such formal declaration of betrothal would be more easily tolerated by the parents than before. In fact if any one of the two chose to break off such intimacy and announced his or her unwillingness to ultimately enter into marriage they could do so without incurring any penalty. However under the normal circumstances once the betrothal was announced marriage used to take place. The institution of marriage in the Mizo society, with

all its inner details of agreements, etc. also goes to establish a significant place for the woman in the Mizo society. The practice of obtaining the girl's consent before the parents entered into actual negotiations as also her right to break off the betrothal, if she so chose, speak eloquently of the society's high esteem of her inherent rights and position in its structure. In fact the marriage price may well be looked upon as prestige value rather than the sole price of a commodity.

In keeping with the prevailing custom people, both from bride's and bridegroom's party would prepare *zu* (rice beer) for the marriage feast which used to be an invariable accompaniment of a marriage. On the wedding day fixed by mutual consent of both the parties, the bridegroom would send two of his representatives known as *palai* to the bride's parents for making payment of the agreed amount against the marriage price. It was very often that the total amount of the marriage price could not be paid in one instalment on the wedding day and hence the balance amount used to be paid in easy instalments, sometimes covering a very long period of time. On the wedding day the *Khawchhiar* (village writer) used to record the fact of the marriage, the total amount of the marriage price, the amount paid on the marriage day and the amount still due, in the presence of two witnesses. Copies of these records were given to the parties for their future reference. The two *palai* who stood witness were eagerly sought after to give evidence in case of any dispute.

The marriage price consisted of two parts, *Man-pui* (main price) and *Mantang* (subsidiary price). The former was paid to the father or in his absence to the brothers. While, in the absence of both father

and brothers, the main price would go to one who was responsible for her upbringing, may be, a male member or even her mother, provided she was actually responsible for her upbringing after her father's death. In case she was a child born outside conventional wedlock and was not recognised by her father, the marriage price used to be paid to the mother. The point of emphasis is that the *Manpui* or the main price would always go to the person actually responsible for her being brought up to the age of her marriage. The fact that the society recognised an accepted position for a girl born outside wedlock and even for the mother of such a girl being conventionally authorised to claim 'manpui' go to prove that the woman in the Mizo society could not just be considered as someone to be toyed with by the men-folks for their carnal pleasure. The subsidiary price known as '*Mantang*' used to be distributed amongst quite a large number of people connected closely with the bride. The object appears to have been not only the recognition of responsibility shared by such people in the growth and upbringing of the girl but also to ensure continuance of such solicitude for her in the new life she entered on her marriage. Thus '*paial*', a price paid to a person who was selected by the bride to be her *pa* (adopted father), appears to have been a measure of additional security in her future difficulties, if any.

At the time of the marriage the bride was supposed to take with her a cotton blanket known as '*puanpui*' and a basket for keeping clothes therein known as '*thul*'. These two, in the then simple Mizo society, had a very high symbolic significance and a girl's failure to go to her husband's place without such possession was considered extremely

disgraceful. In fact if the husband had to buy these items for his wife or made them after her entry into her husband's house, a reduction in the marriage price could legitimately be claimed. But the mere fact of a girl not having these at the time of marriage was not an adequate ground to claim reduction of marriage price for she could ask her parents to make *puanpui* or *thul* for her after her marriage. What was necessary for such reduction of the marriage price was that either the husband actually purchased these for the wife or the wife actually made them in her husband's house. The *puanpui* was so much looked upon as girl's personal possession that in case of her death, her relations could claim it back from the husband under normal circumstances. However so long as the husband of the deceased girl did not take a second wife the relatives of the girl could not take the *puanpui* and if they did take it by force, a sum of Rs. 20/- would be deducted from the wife's marriage price. Besides such properties, *Puanfen*, *Puan* (women's skirt) *Puanrin* (cloth used by young women), *thembu*, (weaving machine), *hmui* (spindles), *phurhhlan* (various kinds of baskets used for woman's everyday work), *thi-nghawngthlun* (bead necklaces) and also *thiduang* (blue threads) used to be regarded as typical personal possessions and were collectively covered under the name *hmeichhe bung-rua* of the Mizo woman. Cash would not ordinarily be included in woman's property except when the same was earned in her dowry. In fact any cash earned by her at her husband's place was by convention the property of the husband unless there was a specific contract between husband and wife that she would keep her earnings separately. This became more necessary when the girl was a salaried one or was running any business independently. The

term *thuam* even though loosely used to cover all properties of Mizo women, technically meant her dowry only. However, the symbolic and sentimental value of *thuam* as belonging to the woman as her property was indeed great since they stood for continued good relationship between husband and wife and could be confiscated by her husband only in case of proved adultery on her part, when she would be turned out by her husband without allowing her to take any of her property. However, when any separation took place through mutual agreement as *sumlaitan* or *peksachang* the woman would often give her husband some of her personal possessions voluntarily. This was rather a token of courtesy and friendliness than on grounds of social mores. In case the woman left her husband or divorced him *sum-chhuah* she would certainly take all her properties with her, such action being more an expression of her emotional estrangement from the man she disowned as her husband. But her parents would have to refund the marriage price.

The question now arises as to whether marriage price and the customary possessions of the woman in the Mizo society with all their association with social mores and prevailing practices could be considered as indicative of her status in the Mizo society or were to be looked upon as mere gifts and her rights on such gifts. The fact that the Mizo girls chose their husbands during the course of *nula rim* more on their own evaluation rather than the seasoned judgement of their more experienced parents, could be construed as society's solicitude for their security in future life, which took concrete shape in the marriage customs of the Mizo society. Thus *thuam* which was her acclaimed property could not

be touched by her husband except with explicit consent from the wife even at times of acute distress such as famine or disease in the family. In case any part of *thuam* was in actual circumstances disposed off, the husband was custom bound to recoup the loss in kind or cash at a later period if the wife so demanded by agreement at the time of such disposal. In fact her claim stood repayable even if the wife was divorced or the husband died before such recoupment, in which case the heir of the husband who inherited his possessions was to repay the agreed claim. This practice again testifies to the society's concern about the security of the womanfolk. Similarly, claim on the last Rs. 20/- of the marriage price was seldom made as it was felt that the same should be left untapped so that in case extremely adverse days fell on the woman in her old age, she could have access to it by convention. This last Rs. 20/- was known as *thutphah*. It has to be pointed out that the quantum of Rs. 20/- should not be considered as disproportionately small for the purpose for which it was meant. In the backward village economy of those days wherein the possibility of amassment of cash money was extremely limited the amount of Rs. 20/- could not really be taken as insignificant. As stated earlier *thuam* could not normally be touched either by the wife or the husband, but if at any time, she fell seriously ill and she felt she had little chance of survival she had the right to divide her *thuam* amongst her sisters and/or children. However she could not touch any articles which she acquired in her husband's house. In case her death occurred without such distribution of her *thuam* her daughters could divide her property known as '*thing-thul*' amongst themselves but could not touch her formal *thuam* which would go to the person entitled to get her marriage price.

It is important to point out here that the society's laxity regarding premarital sexual relationship was counterbalanced by the social custom of extreme severity against adultery. The sociological import of this appears to be an attempt on the part of the society to ensure family integrity and cohesiveness in a situation wherein sexual intercourse was not looked upon with any serious sense of taboo. It also appears that the maintenance of a healthy mutuality of interdependent relationship between husband and wife was well sustained through such measures and the marriage once solemnised was socially interdicted to be a permanent relation between them even though society had built up conventions of divorce etc. The practice of including *zawlpuan* in the woman's possession at the time of her marriage was a significant pointer to this. The *zawlpuan* used to be a piece of cloth woven by the girl herself and was interdicted for covering the husband's body in the event of his death, a practice accepted by the girl marrying a person to be a very sacred duty. Indeed her failure to be able to do this for the lack of possession of a *zawlpuan* was considered as extremely disgraceful for her. So sacred was this considered that she was by social custom entitled to carry with her the *zawlpuan* in case of her being divorced except on ground of adultery.

The various forms of marriage price, regulations regarding their payments, treatment of the same in case of different types of divorces and the overall customary details in its handling on significant occasions in the life of the bride all go to point out a large measure of social solicitude for the establishment and maintenance of a high status for the woman in the Mizo society. Indeed they bring out

very clearly that the womanfolk enjoyed high esteem in their society in clear recognition of their roles for the perpetuation through their childbearing ability. The difference in its social concern for the *thisenpal* (those who have born children) and the *thisenpalla* (barrenwomen or childless ones) also go to show the high status value of the womanfolk. It is desirable in this connection to examine the various forms of marriage price and the different other transactions at the time of marriage, divorce, death of either the husband or wife, to gain an insight into the sociological aspects of the status value of womanfolk in the Mizo society. *Numan* is a form of price payable to the mother of a girl who is going to get married even if she has separated from the girl's father. In fact she is entitled to this even if she has married again or has been found guilty of adultery and divorced on that account as *nize*. *Sehrui satchat* (the English equivalent of *sehrui satchat* is breaking of mithun's rope) is a form of a penalty price which a man had to pay if he became instrument in dissolving the marriage of a couple by offering himself as the groom and then after being accepted by the girl declined to marry her. However, it so happened sometimes that the girl after having accepted the new suitor declined to marry him. In such cases the girl had to pay a penalty of Rs. 40/- to the new suitor for the purpose of calling back his previous wife whom he divorced in order to marry again. These practices appear to indicate that man and woman in a Mizo society had to suffer no discriminatory treatment in such important spheres as marriage, remarriage and divorce. Similarly the Mizo society disfavoured non-observance of the usual marriage procedures, no matter whether such breaches were made by the man or the woman. Thus if a man

went to a woman's house or a woman went to a man's house and lived there as husband and wife without going through the social requirement of marriage custom, they were equally dealt with in terms of paying fine when such relationships were regularised by marriage. Cases of elopement were in the same way frowned upon by the society. But this was considered more disgraceful for the woman than the man and as a measure of society's disapproval the woman's price was increased by a fine of Rs.20/- with a view to prevent any emotional maladjustment caused by a younger sister or a younger brother marrying before their elder's marriage, an extra amount of Rs. 20 - had to be paid.

Even though marriages could hardly ever take place without the marriage price being paid, it did so happen sometimes that a marriage took place without the same being paid in particular circumstances. Thus when a woman was divorced and she could not live away from her children due to emotional attachment to them, she would entreat her husband to allow her to live in his house to look after the children or remarry her without demanding any price. Again in the case of a widow's daughter, the mother being unable to get suitable groom with appropriate marriage price, would agree to allow a young man to marry her daughter without demanding any price. In such forms of marriage the social protection of binding between the couple was very weak, as either of the contracting party could sever the marriage bond without being required to incur any monetary loss.

It may have been noted that a marriage price was not necessarily required to be paid all at one time with a view to prevent any financial pressure on

the groom. But the society established a measure of precaution whereby any man suspected to be unscrupulous was to pay a *Sebomawh* which was in reality a form of earnest money ensuring against any possible defrauding. Thus sometimes when a man made a girl pregnant and agreed to marry her to avoid paying the *Sawnman* penalty for being responsible to make a girl pregnant before marriage and the girl's parents had a doubt that he was likely to play false by divorcing her after paying the first instalment of marriage price, an earnest money of Rs 40/ was taken from him against the possibility of his leaving her early after paying the first instalment of marriage price. Again a young man being caught sleeping together with the girl at night in her house was similarly required to pay the earnest money even if he agreed to marry the girl if the parents had any doubt about his bonafides. This earnest money was indeed a strong protection against malafide intention of a man as it was never refundable except in case of proved adultery.

It is interesting to note that even a concubine enjoyed privileges not very inferior to married woman. In fact the concubine known as *Hmei* in Mizo language, was entitled to the same price as a married wife and if she was separated she was governed by the same customs as in case of those of the regular wife. Even though there was a certain measure of social stigma in becoming a concubine the girl's father would not usually object to allow his daughter to become chief's concubine, sometimes even without receipt of price, in the hope of being compensated otherwise through favoured considerations for himself in various spheres of his life and prospects.

Women's status in the Mizo society received proper recognition mostly in view of her ability to bear child and thereby act as an instrument for the perpetuation of the society. Thus in cases of divorce, women with children were entitled to claim the balance of the marriage price while those without children could not claim the same. Widow marriage or remarriage was normally held less desirable than the first marriage and as such the marriage price in these cases used to be reduced. However, if the prospective bride was attractive and still considered capable of bearing children her marriage price did not suffer any reduction.

Since the woman-folk did not possess any property their husbands or fathers brothers were socially bound to pay the penalty imposed on her for any of the lapses on her part. In case, however, a woman was charged for any offences and the same was proved to be false, her dignity was upheld by imposition of fines on the person or persons responsible for such defamation. Such fines used to be paid either to her brothers or husband according to the nature of the allegation proved false. Broadly speaking in case of allegation against a woman for sexual lapses when proved false along with a number of other grave offences the fine imposed went to the brother while in the case of other offences proved false the fine imposed went to the husband.

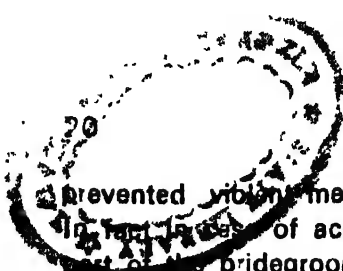
The marriage price for a woman was so much of an important item of her life that in some cases of acute difficulty this could be compounded against lifelong support of her mother or sister by the husband. If, however, it so happened that the husband could not pull on with the person being supported due to some reason or other, the husband could turn her out after he had supported her for a mini-

mum period of three years subsequent to their marriage. In such cases the marriage price would however stand reduced by an amount of Rs. 40/-. The husband was required by custom to pay the balance of the marriage price in this case. On the other hand, if the person was turned out before the lapse of three years he had to pay the full customary marriage price. In case the husband divorced his wife and the wife was with children, payment of the balance of the usual marriage price was required to be made subject to a reduction of Rs. 40/- when he had supported the wife's relative for a period of three years, while if the wife was childless, he was not required to pay anything. If the wife died after bearing children prior to the death of her relative who was being supported, the husband was custom-bound to support her till she died. In case he failed to do so he was liable to pay the marriage price less Rs. 40/- provided the relative had been supported for not less than three years. In the case of the wife's death without bearing any children, he was not liable to support the relative any further and she could not claim any part of the customary marriage price. On the contrary, if the wife left the husband or was guilty of adultery after her relative being supported for three years, she was required to pay a fine of Rs. 40/- and further her husband could also retain her personal property with him. If a married man fell in love with a girl and she refused to marry him after he had divorced his wife, she was custom bound to pay him Rs. 40/- to enable him to call back his divorced wife. If, however, the wife did not return, she was divorced.

The marriage price of a woman who had already been married once was reduced by an amount of

Rs. 20/-. A Lushai woman used to be called differently in terms of her married status. A *nuthlawi* or a *hringkir* was a woman who was separated from her husband by any form of divorce or death after she had borne a child or two. A *lengleh* was a woman who had left her husband before bearing any child. A *lusun* or *lamthlang rapthla* was a widow. In case any of these got married, she had usually to suffer a disadvantage by having her marriage price reduced by an amount of Rs. 20 -. However, if she was considered very attractive because of her young age, child-bearing capacity, physical ability, beauty, etc, the reduction used to be waived. Re-marriage of widows in the Mizo society was a normal custom. But in case a widow with grown-up children decided to marry again, she was required to consult them and if they did not give their consent she could marry only from her own relation's house. The children of the widow could go and live with their father's relatives.

The marriage price was indeed a sacred custom in the Mizo society. It is true that in view of poor financial condition the entire marriage price was not required to be paid in one instalment and that could be conveniently distributed over a long period. But no violent method of realising this money was encouraged. If it was really felt that the usual payment of any part of such marriage price was being unduly delayed or was not intentionally being paid, the aggrieved party could seek the chief's permission to seize any of the property of the debtor against the claim. In case, however, he seized any of the debtor's property without the chief's permission he forfeited his right on the balance that might still remain due. This was indeed a salutary practice as it



prevented violent methods of realising one's claims. In fact, in cases of acute poverty and inability on the part of the bridegroom's side to pay the customary marriage price, his marriage could actually take place even without any money being paid and with a symbolic sacrifice being made to register a promise of paying Rs. 20/- or Rs. 40/- at a later date at the convenience of the groom. Such sacrifice and promise used to be known as *rem-ar talh* and was respected. *Rem-ar talh* meant a fowl sacrificed as a mark of reaching final agreement between the two parties in marriage-whether the marriage price was to be paid in full or in part. Even if the wife and the husband were separated before payment of this promised sum, he was to pay it no matter whether his wife was with children or without.

In case of the death of husband, his widow was normally required to stay in her husband's place for a minimum period of three months and pass her days in austerity and anguish. If her relatives chose to take her away from her husband's house before the expiry of this period they forfeited their right on any unpaid balance of her marriage price. The general conclusion that flows from all these different forms of marriage customs prevalent in the Mizo society goes definitely to show that women in their society suffered no discrimination or disabilities on ground of sex. The treatment of any social lapse on their part was also not differently considered. Thus the fact bears out that in their society the Mizo woman had her place of the same dignity and importance as that of a man even though their pursuits followed different lines from those of menfolk. It may perhaps be no exaggeration to say that they definitely enjoyed a higher esteem than that of menfolk.

because of their special contribution to the perpetuation of the society through their child-bearing ability. Marriage as an institution in the Mizo society was a very important form of social control to regulate sexual life between a man and a woman and to ensure a socially acceptable position for the children. In spite of this, however, the inherent right of man and woman to live together only on their mutual consent and each other's acceptability was respected through various socially accepted forms of divorce customs. There were as many as eleven recognised forms of divorce, namely, *mak*, *sumchhuah*, *sumlaitan*, *peksachang*, *pasal awmloh hlana chhuak*, *kawngka sula mak*, *zangzaw*, *chhuping*, *atna vanga inthen*, *nupui tlansan*, *uire*. The general term for divorce covering all these types is *inthen*.

Mak and *Sumchhuah* were the most commonly used forms of divorce. In *mak* the man would send the wife away by saying "I ma you" while in *sumchhuah* the woman left the husband on her own volition and then divorced him. In these forms the party taking the initiative was required by social custom to bear the burden of the agreed marriage price.

Sumlaitan and *Peksachang* used to be the two forms of divorce by agreement whereby on the basis of mutual settlement the outstanding claims on marriage price was squared by sharing the dues to the extent of 50 per cent in the former case, while the same were completely adjusted without any further claims or payment in the latter case.

The customary forms of divorce also provided room for such exigencies as long absence of the husband due to his leaving the country or confine-

ment in jail. In these cases the wife, unless she chose to continue to stay in her husband's house till his return, could just leave when she wanted, this being considered as to have divorced her husband *sumchhuah*. However, if she preferred to stay away from her relations, (husband's house) because of her strong differences with her husband's relation and stay with her own people, she would not be held as *sumchhuah*. Similarly if the husband on his return after long absence refused to live with his wife he was held to have divorced his wife *mak*. If, however, he called her to live with him and the wife refused to come, she would be treated as *sumchhuah*.

The divorce practices also made room for dissolving the marriage ties in case of proved madness on the part of either husband or wife. and yet the society saw to it that either of them did not leave the other without exhausting reasonable efforts for recovery. For this purpose a period of three years was considered justifiable.

Another important safeguard to ensure security of the womenfolk was that she could not be considered as divorced except by an explicit statement of her husband himself that 'I divorce you'. Thus she could not be just driven out by any of her husband's relatives during his absence. In case she was so driven out, she was to be called back by her husband soon after his return. It was only when she refused to come back on such call that the divorce was formally complete as she would be considered *sumchhuah*. While if he did not call her back the divorce would be deemed as *mak* with all its consequences.

Social protection of the married women and her children against wilful abandonment on the part of the man was provided for by the right of such abandoned women to retain all the properties of the husband. If, however, the husband would try to come back to his wife after a year or so, it was left to the wife to accept him or not, and even if she chose not to accept him all his properties including the house and the children were to pass on to her by social custom.

It so happened sometimes that a married man having fallen in love with another girl divorced his wife and married the girl on that very day or the next day of his marriage. Such divorce was called *Kawngkasula mak*. This provided the divorced wife an additional benefit in the shape of a portion of her husband's movable property in addition to her full marriage price. This extra benefit was known as *buhbal*. In fact, the society considered such action on the part of a married man as highly irresponsible and extremely affronting to the wife. If however, the property belonged to the father of the husband with whom they were residing no *buhbal* would accrue to the wife.

In case of proved impotence on the part of the husband the marriage ties could be dissolved by the wife if efforts according to prevailing custom for a period agreed upon or in the absence of that a period of three months failed to bring about a recovery. The form of divorce in this case would be *pek-sa-chang*. If, however, the wife failed to live with him before the expiry of the period agreed upon or before three months she would be *sumchhuah*. While if during this period she took another husband or had intercourse with another man she was *wire*. To

prevent misuse of these privileges by the wife society made adequate rules and procedures to ensure that the accusation made by the wife was well established. If it was proved that the wife was making false accusation she was penalised with a sum of Rs. 40-or a *sepui*. On the other hand if the wife, due to serious physical disabilities failed to perform her duties to her husband, she could be divorced by him with full recovery of the marriage price.

Adultery in Mizo society was at all time considered an extremely serious offence and the society imposed stringent punishment for such offence. If a married woman committed adultery while living with her husband or even after his death in mourning or while still living in her husband's house, she stood socially discredited and was *uire*. The magnitude of the penalty differed in case of the circumstances described above. Adultery on her part during the husband's life time was considered worthy of more severe punishment than that after his death and the penalty too in these two circumstances differed appreciably. The society however was cautious to ensure that unscrupulous husbands could not take any undue advantage by making false allegation. Thus if the wife declared *uire*, brought a case against the husband for false allegation and it was proved to be so, the husband was bound to take her back or otherwise, he was to be considered to have divorced her *mak* with all its consequences.

CONCLUSION :

The various forms of divorce and punishments socially accepted in the Mizo society in regard to severance of marital relationships described above bring out a few important features. A marriage normally took place only after a fairly long period of

courtship between a boy and a girl and to that extent chances of divorce were less than what it would have been without such courtship. The society allowed a large measure of free mixing between boys and girls and did not even have serious reservation against pre-marital sexual relationship between them provided that such relationship did not result in the pregnancy of the girl. In fact even in the case of pregnancy if the girl chose to abort herself no penalty could be claimed from the boy. It is, however, important to note that along with such laxity at the pre-marital stage, society had stringent measures against any form of adultery on the part of a married girl. The direct result of such social mores was that sexual aberration such as sodomy and prostitution were very uncommon in their society and any case of such indulgence was severely dealt with under the existing social control. Besides, the strict social attitude against adultery also went a long way towards maintenance of family as an integral unit of the society. It is not that there were no cases of divorce. In fact, these were quite common because the inherent rights of man and woman to live together as husband and wife only through continued mutual consent and agreement was the basic foundation of their society. Hence maladjustment between the two on any ground, economic or otherwise, and at any time in their life, could eventuate into separation. But even in such separations, measures of pecuniary losses on either side was very little if mutually agreed upon. The society, however, saw to it that any violence or impropriety on the part of either of the two was dealt with adequately to ensure social justice. Another direct effect of the Mizo society's tolerance and acceptance of pre-marital sexual relationship was the easy and natural assimilation

of issues born of unmarried mothers. Little, if any, social stigma was attached to such issues even though the father was required to pay different fines for his lack of restraints.

Thus for an illegitimate child who used to be called *sawn* in Lushai, the unmarried mother was entitled to receive Rs. 40/- from the *sawn's* father. This appears to point to two important facts. The girl who bore the child was not held responsible for the social breach. Secondly the father of *sawn* could be identified and penalised as during the courtship period the girl refrained from close intimacy with more than one boy. Indeed in case it was established that the girl had a sexual relationship with a number of young men the child would not be accepted by anyone to father him and the girl would not be entitled to any price for it and the child would be known as *falak* belonging entirely to the mother.

If after the paternity of *sawn* was established the pregnant unmarried mother had any intercourse with another man, she lost her claims to the *sawnman* (the penalty of Rs 40/- from the father of the *sawn*) and even had to return the *sawnman* if already received. The *sawn's* father, on the other hand still retained the right to own the child or to reject the same in which case the child would be a *falak*. If the man making an unmarried girl pregnant married her, the *sawnman* would be only Rs. 20/- instead of Rs. 40/- and would have to be paid in addition to the normal marriage price. Her right on this Rs. 20/- was absolute and in case she chose to be *sumchhuah* later on in life, she was not required to return this amount. If, however, she refused to marry him she was entitled to the amount of Rs 40/-

sawnman in spite of her refusal. Another important fact to be noted is that the *sawn* in spite of its being born outside wedlock suffered no insecurity due to any social stigma. Thus the problem of unwanted children as prevailing in the more advanced societies was not faced within the Mizo society. The *sawn* after being born was to be looked after by the mother for three years, after which period the father had to take it. If the unmarried mother refused to perform her duty in this respect she was bound to return the *sawnman* of Rs. 40 - and the *sawn* used to be taken by the father or his relatives. It sometimes so happened that the father of a *sawn* died before taking its charge, when the mother was required to look after the *sawn* and even could keep it after her marriage later on. If the husband accepted the *sawn* just as one of his own children he would be entitled to all the marriage price in case of a girl *sawn* and would be required to extend the same privileges to a boy *sawn* as for his own son. The mother, however, could, if she so chose, give the *sawn* to her parents or other relations. They would be regarded as the *sawn's* parents with all social responsibilities and privileges devolving on them. The most important fact which comes out of these is that the *sawn* was looked after by the mother and other responsible persons at least in his childhood, which happens to be the crucial period of psychological importance for the development of his personality. It was thus never denied any social support due to the handicap of its being born outside socially accepted wedlock. There was seldom any objection on the part of the husband to undertake these responsibilities as he knew that a child no matter whether it was a boy or a girl was

an asset rather than a liability and as social custom had it, was free from any stigma.

Sexual offences of various types were recognised in the Mizo society even though the society permitted free mixing of boys and girls as also any sexual intercourse between them based on mutual consent and not resulting in pregnancy of the girl. Sodomy (*mawngkaw luk*) and adultery were the two forms of offences most seriously decried by Mizo society which resulted in very heavy penalties on the accused. Thus in the case of Sodomy the father of the 'pathikos' or the 'pathikos' himself could even take the life of the sodomite within the approved legitimate rights. A lesser punishment was that the father would shoot any of the mithuns in the village and give a feast to all the villagers, the entire cost being borne by the sodomite. The cases of adultery were also severely dealt with and the woman committing adultery suffered very heavily in her social position while the man was made to pay fines for lapses differing in amount according to circumstances. But a woman did not, simply because of this offence, become an outcaste and was not required to live an ignominious life of prostitute. In fact, she might continue to live with her husband, if he so permitted, after disposal of the case, or even manage to get another husband after being turned out. However, if the society found that any girl or woman, in view of her unnatural propensity for sexual intercourse, sought to satisfy such urge through a number of young men it would not stand against the customary practice to have her *zawned*. In this process a young man would first take the woman outside the village and then subject her to repeated intercourse by a large number of

young men, one after the other. In view of great social disapproval for adultery in any form any attempt at seduction was considered a serious offence and a man who tried to seduce a married woman was liable to a fine of Rs. 20/- and *salam*. Such an act of offence was known as *mi nu thlem*. Similarly if a man induced a married woman to let him sleep with her by pretending to be her husband, he was deemed to have committed a serious offence and would be liable to a fine. In fact in very old days he would have his ears and nose slit off in such cases. But later on this was softened to the payment of the whole of the woman's marriage price to the husband. Such provision enabled the man to divorce his wife if he really considered her to be unacceptable without any financial loss on his part. This act of offence was known as *Lawi thlem*. A very similar other offence was for a man to slip into a married woman's bed while she was asleep taking advantage of her husband's absence, in which case also the fine was the same as in *lawi thlem*. This offence was known as *thlim*.

As stated earlier, the Mizo society permitted free sexual intercourse if mutually agreed between boys and girls in Lushai village and for such intercourse the girl could not claim any payment or present. But if a married man had such intercourse after having made an agreement with her that he would either marry her or pay her a certain sum of money he was bound to honour the same. However, no agreement to pay more than Rs. 40 - could be enforced. On the other hand if the girl refused to marry him after such agreement, she was bound to pay Rs. 40/-. The agreement referred to here was known to be *intiam*.

If a couple separated by any form of divorce while the wife was pregnant and she chose to have intercourse with another man she was bound to pay a fine of Rs. 40/- and *salam* for having defiled her former husband's unborn child. In such cases of imposed fine it was up to the former husband to own the child after being born or refuse to do so, in which case he would be *falak*. Any adultery by a married woman while carrying was considered a more serious crime than an ordinary adultery and the woman was to pay an amount of Rs. 40/- in addition to the usual penalties for adultery. The child after being born, if disowned by its father, would become *falak*.

Even though the Mizo society held free mixing between boys and girls as also premarital sexual relation between them as quite natural and normal and did not attach any social stigma to children being born out of wedlock, customs prevented any lascivious and intemperate behaviour in their conduct while engaged in such pursuits. It has already been mentioned earlier how any girl or woman was dealt with for socially unacceptable ways of excessive sex relation with a large number of boys (*zawn*). Intemperance and/or inappropriate deportment on the boys/men too were dealt with in no less severe way. Thus if a young boy ventured to touch the breast of a girl without previous development of close intimacy he was liable to payment of a fine for such indiscretion. The punishment was known as *hnyeteh*. Any young man gaining notoriety in this respect was looked down upon and in case of being found guilty at any time was very severely punished by the Chief and the *upas* (village elders). The touching of breast of a married woman was held as

a more serious offence and was subject to a fine of Rs. 20/- and *salam* in all cases. It appears that this was looked upon as almost trying to seduce the married woman. The punishment in this case was known as *pasalnei hnute deh*.

Another form of Impropriety punishable according to social custom was an attempt on the part of any man to take up and open out a woman's skirt (*puanfen*), which she might have kept folded before going for her jhum work. However, if such a skirt was left without being properly or neatly folded, a man handling the same was not considered guilty. An offence of this type was punishable by a fine of Rs. 20 - and *salam* and was known as *puan-fenzar*.

Any attempt on the part of a young man to make advances for close intimacy with a girl without previous courting was also considered an offence. Thus if a man tried to visit a girl by night at her house and to sleep with her he was considered guilty of a serious social lapse and was punishable by a fine of Rs 20/- and *salam*. This offence was known as *zen*. The punishment was inflicted even if such attempt did not result in actual sexual intercourse. In fact if this actually took place, it was presumed that this resulted from mutual consent and was not a case of *zen*. Similarly an attempt at rape was considered highly offensive and in the background of social sanction for extremely liberal mixing and intimacy between boys and girls, the same was not very frequent. In fact it so happened that a girl of rather light virtue often tried to save her face by declaring herself to have been raped. Any actual case of rape was to be immediately reported by the girl to the

Chief, who according to government rules was required to report the case to the Superintendent without delay. Rape in Lushai is known as *pawngsual*. Offence of having sexual connection with an underaged girl, though not common, was considered a serious case of rape and was to be immediately reported to the Superintendent. If, however, it was found that the intercourse took place with the consent of the girl, even though underaged the man could not be considered to have committed an offence for which he would have otherwise been punished with a fine of Rs 40/- and *salam*. The offence was known as *puitlinglo mutpui*.

The main purpose of giving in detail the various types of offences connected with the intimate relationship between man and woman, both married and unmarried is to show how the woman enjoyed not only equal treatment with man but was given by the society the highest measure of security and respect for her free will. Any improper or harsh treatment to her was not only decried seriously but was dealt with by imposing heavy fines on those responsible for the offence.

